

The Court

IN The United STATES District Court for
The Middle District of ALABAMA

JUL -5 A.D. 2007

JOHN STEVEN COLEMAN
AIS 223209
EASTERN Correctional Facility
200 WALLACE DRIVE
Clio AL 36017

TRAVERSE

CIVIL ACTION No. 07-CV-00294 MHT
(WO)

Signature

John Steven Coleman

COURT

Petitioner's TRAVERSE To Court's order, 21th. H.,
IN THE SUPREME COURT'S ORDER March 14,
2007 CASE 1060843; Motion for Production

- 1: Rule 3(A) § 2254 cases Rule requiring Petitioner to file more than one copy are anachronistic when Court clerks have easier access to Xerox machines than do persons in prison. DAVIS V. Mueller 481 F. Supp. 888-890. (D.N.D. 79) AFF'd 643 F.2d 521 (8th Cir) cert. denied 454 U.S. 892 (1981).
- 2: Contrary to Respondent's answer to Court's order to show cause in Civil Act, "Id." through the Attorney General of the State of Alabama mandatory discovery Rule, 26 Fed. Rules of Civil Procedure All Arguments realleged and incorporated by reference Petitioner's Allegations in Civ. Act. No. 2:07-CV-00294 - Respondents.
- 3: Since A Prose inmates Petition is deemed Filed the date it is delivered to Prison officials for mailing. Houston v. Lack 487 U.S. 266, 271-272 (88); Adams v. States 173 F.3d 1339-1340-41 (11th Cir. 1999); GARVEY V. VAUGHN 993 F.2d 776-780 (11th Cir. 93); Absent evidence to the contrary in the forms of Prison logs or other records [This Court] must assume that [The instant Petition was delivered to Prison authorities the day [Petitioner] signed it. Washington v. United States 293 F.3d 1299, 1301 (11th Cir. 2000); Fed. Rules of

-1- John Stephen Coleman

Court
 OF Appellate Procedure Rule 4(A)(1). At the moment of delivery to prison authorities for mailing to Court. "Houston", *Supra*. Coleman's Notice of Appeal was timely filed under *FAllen v. United States* (47) 378 U.S. 139, 12 L Ed 2d 760, 84 S. Ct. 1089.

4: The Respondents, the Court of Appeals erred in holding that it lack Jurisdiction when there is a strong possibility that Coleman's Notice of Appeal may have been received within 30 days of entry of order dismissing his Petition. The Court of Appeals erred in dismissing the Appeal when there were "unique" circumstances under *HARRIS Truck Lines Inc. v. Cherry meat Packers Inc.* (1964). 371 U.S. 215, 9 L Ed 2d 261, 83 S. Ct. 283, in that Petitioner's reliance upon the actions of the lower, district Courts and Court of Appeals as assurance that his Appeal was timely.

5: Petitioner John Stephen Coleman, Sr. realleges and Incorporates by reference his allegations in paragraphs [1] through [4] as if fully restated herein.

6: Coleman's Notice of Appeal should be treated as a Motion for Appealability Extension of time under 4(A)5.

17: The Petitioners seek relief in the District
Court Rule 60, Fed. Rule Civil Procedure.

DATED 7-1-07

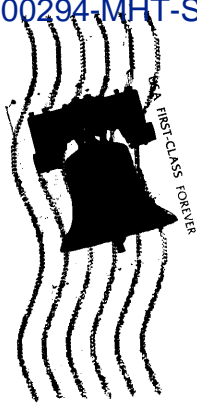
Signed John Stephen
Coleman

Pro Se

Certificate of Service

John Stephen Coleman "Sr." served the
1st of July by deposit in legal mail.
28 U.S.C. 1746 [18 U.S.C. § 1631-1633.]

Signature John Stephen Coleman
of Pro-Representation



MONTGOMERY AL 361

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~~John Steven Coleman~~
Easterling Correctional Facility
260 WALLACE DRIVE
CLIO, AL 36017

Legal Mail

Civ. Act. 2:07-CV-00294
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Court: Office of Clerk
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36101-0711